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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,078	06/14/2001	Mike Burns	024051-0150	3806

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FOLEY AND LARDNER  
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3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/880,078

Applicant(s)

BURNS ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8.9.10.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3628

### DETAILED ACTION

1. This Office Action is the answer to the communication filed on June 14, 2001, which paper has been placed of record in the file.
2. Claims 1-54 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 14-26, 30-41, and 46-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Buist, U.S. Patent No. 6,408,282.

Regarding to claim 1, Buist discloses a method of displaying, on an electronic display device, the market depth of plurality of commodities including an anchor commodity and a non-anchor commodity, the method comprising:

dynamically displaying a plurality of bids and asks in the market for the commodities (figure 6; column 12, line 8-column 13, line 15);

statically displaying prices corresponding to the plurality of bids and asks, wherein the plurality of bids and asks are displayed in alignment with the prices corresponding thereto (figure 6; column 12, lines 50-61);

displaying an anchor visual indicator corresponding to and in alignment with a desired price level of the anchor commodity (figure 6, items 672, 668; 680; column 12, lines 57-67; current ask and current bid contain size and price are displayed in yellow);

displaying a price level indicator corresponding to and in alignment with a price level of the non-anchor commodity determined based upon the desired price level of anchor commodity (figure 6, items 676; column 12, lines 62-63; the price spread is display in black background; figure 54 and column 13, lines 1-15).

Regarding to claim 2, Buist discloses the price level indicator comprise a first visual indicator corresponding to and in alignment with a first price level of the non-anchor commodity and a second visual indicator corresponding to and in alignment with a second price level of the non-anchor commodity (figure 54; column 35, line 57-column 36, line 5).

Regarding to claim 3, Buist discloses the price level indicator is of the same color as the anchor visual indicator (column 35, lines 58-67; the spread is in red; column 43-45; the user's average share price is in red;).

Regarding to claim 4, Buist discloses the price level indicator is displayed in correspondence with the plurality of asks in the market for the non-anchor commodity when the anchor visual indicator is displayed in correspondence with the plurality of bids in the market for the anchor commodity (figure 6; the spread price is displayed in correspondence with the plurality of asks, the current bid is displayed in correspondence with the plurality of bids).

Regarding to claim 5, Buist discloses the price level indicator is displayed in correspondence with the plurality of bids in the market for the non-anchor commodity when the anchor visual indicator is displayed in correspondence with the plurality of asks in the market for the anchor commodity (figure 6; the spread price is displayed in correspondence with the plurality of bids, the current ask is displayed in correspondence with the plurality of asks).

Regarding to claim 6, Buist discloses the desired price level of the anchor commodity is the best bid or ask price in the market for the anchor commodity (column 15, lines 15-18).

Regarding to claim 7, Buist discloses the desired price level of the anchor commodity is the best bid or ask price for the anchor commodity at which there are currently working orders for the user (column 15, lines 15-18).

Regarding to claim 8, Buist discloses the desired price level of the anchor commodity is the bid or ask price for the anchor commodity as selected by a user (figure 11, item 1140, limit price and column 14, lines 25-48).

Regarding to claim 9, Buist discloses the desired price level of the anchor commodity is a weighted average of price levels of a user's unhedged filled orders of the anchor commodity (column 15, lines 19-26).

Regarding to claim 14, Buist discloses at least some of the statically displayed prices corresponding to the bids and asks are displayed in a plurality of colors, each color representing a subgroup of the prices wherein the trades for a given commodity at prices with the subgroup combine to account for a predetermined percentage of total

volume of trades for the given commodity over a determinable period of time (column 15, lines 35-55).

Regarding to claim 15, Buist discloses displaying a spread market display comprising a display of market depth of price spreads between the anchor commodity and the non-anchor commodity (figure 54; column 35, line 57-column 36, line 5).

Regarding to claim 16, Buist discloses the display of traded spread including the display of a plurality of price spreads between the anchor commodity and the non-anchor commodity in alignment with the quantities traded at the respective price spreads over a determinable period of time (figures 13-14; column 14, line 60-column 16, line 10).

Regarding to claim 17, Buist discloses the statically displayed prices are displayed in at least one direction in numerical order (column 17, lines 60-62; prices are displayed in descending order).

Claims 18-26, 30-32 are written in computer software that parallel the limitations found in claims 1-9, 14-16 above, therefore are rejected by the same rationale.

Regarding to claim 33, Buist discloses a method of facilitating spread trading among a plurality of commodities, including an anchor commodity and a non-anchor commodity, using a graphical user interface and a user input device, the method comprising:

displaying the market depth of the commodities traded in a market, through a dynamic display of a plurality of bids and asks for the commodities, including the bid

and ask quantities of the commodities, aligned with static displays of prices corresponding thereto (figure 6; column 12, line 8-column 13, line 15);

determining a desired price level for the anchor commodity (figure 6, items 672, 668; 680; column 12, lines 57-67; current ask and current bid contain size and price are determined);

displaying an anchor visual indicator corresponding to and in alignment with the desired price level of the anchor commodity (figure 6, items 672, 668; 680; column 12, lines 57-67; current ask and current bid contain size and price are displayed in yellow);

determining a price level for the non-anchor commodity based upon the desired price level for the anchor commodity (figure 6, items 676; column 12, lines 62-63; the price spread is determined);

displaying a price level indicator corresponding to and in alignment with the determined price level of the non-anchor commodity (figure 6, items 676; column 12, lines 62-63; the price spread is display in black background; figure 54 and column 13, lines 1-15);

allowing the placement of a trade order of the anchor commodity through a single action of the user device with a pointer of the user input device positioned over an area in the dynamic displays of bids and asks in the market for the anchor commodity (column 18, lines 50-67; column 19, lines 40-53; figures 5, 11);

allowing the placement of a trade order of the non-anchor commodity through a single action of the user device with a pointer of the user input device positioned over an area in the dynamic displays of bids and asks in the market for the non-anchor

commodity, wherein single action made when the pointer is positioned at the location of the price level indicator allows for the placement of a spread trade (figure 13; column 14, line 60-column 15, line 26).

Claims 34-41, 46-48, 50 have similar limitations found in claims 2-9, 14-17 above, therefore are rejected by the same rationale.

Regarding to claim 49, Buist discloses the quantity of the trade order allowed to be place in the non-anchor commodity is set automatically based on a user's net position in the anchor commodity and on a predetermined anchor commodity to non-anchor commodity ratio (figure 54, items 5430, 5440, 5450; column 35, line 57-column 36, line 5).

Claims 51-52 are written in computer software that parallel the limitations found in claims 33-34 above, therefore are rejected by the same rationale.

Regarding to claims 53-54, Buist discloses a client system for facilitating spread trading among a plurality of commodities, including an anchor commodity and a non-anchor commodity as described in claims 33-34 above, moreover, Buist discloses a display device, a processor, and a user input device (column 6, lines 26-61; the user's workstation).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the



invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-13, 27-29, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buist, U.S. Patent No. 6,408,282.

Regarding to claims 10-13, Buist does not disclose the first and second price levels of the non-anchor commodity are determined based on the following two or more factors: a predetermined anchor commodity to non-anchor commodity ratio, predetermined spread price point valued, the desired price level for the anchor commodity and a settlement price for the anchor commodity; at least one of the first and second price levels of the non-anchor commodity is determined by adding a settlement price of the non-anchor commodity to a price level indicator offset calculated in accordance with the following equation:  $\text{Non-anchor Price Level Indicator} = (\text{Spread Price Point Value} - (\text{Anchor Leg Ratio} * \text{Anchor Leg Net Change})) / \text{Non-Anchor Leg Ration}$ , where  $\text{Net Change} = \text{Theoretical Last Trade (Current) price} - \text{Settlement Price}$  of the anchor commodity; at least one of the first and second price levels of the non-anchor commodity is determined based on manual positioning of the corresponding first or second visual indicator by a user. However, determining the spread price based on the above factors is well known in the art of spread trading of financial securities. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buist's to include the feature above for the purpose of improving the spread trading of financial securities.

Claims 27-29 are written in computer software that parallel the limitations found in claims 11-13 above, therefore are rejected by the same rationale.

Claims 42-45 have similar limitations found in claims 10-13 above, therefore are rejected by the same rationale.

### ***Conclusion***

7. Claims 1-54 are rejected.

8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Wilton et al. (US 6,519,574) disclose an electronic trading system includes a plurality of trader terminals, a number of trading instruments are simultaneously displayed.

Nieboer et al. (US 6,418,419) disclose an apparatus and method of automatically buying and selling positions in fungible properties.

May (US 6,421,653) discloses an internet-protocol trading system which enables traders to identify bids and offers which they are eligible to trade based upon a color coded methodology.

Broka et al. (US 5,809,483) disclose online transaction processing system for bond trading.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
C/o Technology Center 3600  
Washington, DC 20231

Or faxed to:

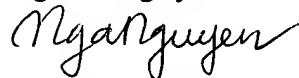
(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



June 10, 2004